

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

American Montessori Academy,

Petitioner/Plaintiff,

v.

Case No. 08-14490

Pamela Johnson, an individual, and J.J.,  
a minor individual,

Honorable Sean F. Cox

Respondent/Defendants.

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**ORDER GRANTING TEMPORARY RESTRAINING ORDER**

On October 21, 2008, Plaintiff American Montessori Academy (“the Academy”) initiated this action against Defendants Pamela Johnson and her minor son, J.J., filing: 1) a “Verified Complaint for Temporary Restraining Order and Injunctive Relief” and a 2) “Motion for Temporary Restraining Order And/Or Preliminary Injunction.” The Academy brings this action pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.* (“IDEA”), seeking an injunction enjoining J.J., an emotionally impaired child currently attending the Academy, from attending classes at the school.

The matter is currently before the Court for consideration of the Academy’s request for a temporary restraining order. This Court may issue a temporary restraining order, pursuant to FED. R. CIV. P. 65(b) if “specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss or damage will result to the movant before the adverse party can be heard in opposition.”

The Verified Complaint states that during the past eight weeks J.J. has engaged in a pattern of violent and assaultive behavior towards both students and faculty at the school.

In addition to reviewing the Verified Complaint and Motion for Temporary Restraining Order filed in this case, on October 22, 2008, this Court also heard brief testimony from two witnesses:

1) Priscilla Peters, a faculty member who witnessed some of the behavior in question; and 2) Terri Petitt, the Special Education Director for the Academy.<sup>1</sup>

As indicated on the record on October 22, 2008, the Court shall grant the Academy's request for issuance of a temporary restraining order because the Court finds that the facts contained in the verified complaint, and the testimony received on October 22, 2008, clearly shows that physical injury to the students and/or faculty at the Academy may result if the request is not immediately granted.

Accordingly, **IT IS ORDERED** that the Academy's request for a temporary restraining order is **GRANTED. IT IS FURTHER ORDERED** that:

- 1) Defendant J.J. is prohibited from entering the school buildings and premises owned and operated by the Academy;
- 2) The Academy shall provide J.J. educational services on a homebound basis, with standard homebound instruction. Defendant Pamela Johnson must be present during any and all homebound instruction provided to J.J.
- 3) This Court shall hear the Motion for Preliminary Injunction on **November 12, 2008**, at 2:30 p.m.<sup>2</sup>
- 4) This Order shall remain in effect until such time as this Court rules on the Academy's

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<sup>1</sup>Defendants were present at the October 22, 2008 hearing, but were not represented by counsel.

<sup>2</sup>At the hearing held on October 22, 2008, Defendant Pamela Johnson appeared and requested that the Court delay holding the hearing on the Preliminary Injunction Motion for a period of ten to fifteen days, to give her an opportunity to obtain and consult with counsel.

pending Motion for Preliminary Injunction.

**IT IS SO ORDERED.**

S/ Sean F. Cox  
Sean F. Cox  
United States District Judge

Date: October 22, 2008

I hereby certify that on October 22, 2008, a copy of the foregoing document was served upon counsel of record by electronic means and by First Class Mail and email upon:

Pamela Johnson  
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S/ Jennifer Hernandez  
Case Manager